

The Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RUSSELL TROWBRIDGE,

Plaintiff,

v.

NALCO COMPANY,

Defendant.

No. C08-5137 RJB

STIPULATION AND ORDER TO
CONTINUE DISCOVERY CUT-
OFF FOR LIMITED PURPOSE OF
TAKING SPECIFIED
DEPOSITIONS

STIPULATION AND ORDER TO CONTINUE
DISCOVERY CUT-OFF (No. C08-5137 RJB)

THE BLANKENSHIP LAW FIRM, P.S.

28th Floor, Washington Mutual Tower
1201 Third Avenue
Seattle, Washington 98101
(206) 343-2700

1 Plaintiff Russell Trowbridge (“Plaintiff”) and Defendant Nalco Company, Inc.
2 (“Defendant”), collectively the “Parties,” hereby stipulate and agree as follows:

3 1. Parties have been cooperating since the onset of this case to coordinate
4 discovery and schedule depositions.

5 2. A number of the witnesses employed by Defendant reside outside of Seattle: in
6 Eastern Washington, Vancouver, Washington, and others near Defendant’s corporate
7 headquarters in Naperville, Illinois, a suburb of Chicago. While Defendant’s counsel has
8 been cooperative in accepting service for these individuals, the impending holiday season, and
9 sudden inclement weather (snow) which caused cancellation of all travel for witnesses and
10 counsel has made scheduling depositions extremely difficult. Currently, six witnesses are
11 unavailable until the week of January 12, 2009, and two other witnesses may not be available
12 until the week of January 5, 2009.

13 3. In addition, Defendant is in the process of producing what is assumed to be a
14 large number of documents pursuant to a written agreement with Plaintiff dated December 9,
15 2008. Defendants are not yet certain as to when all the documents will be gathered and
16 produced, but Defendant’s counsel has indicated that they will begin producing these
17 additional documents beginning Thursday, December 18, 2008. The Defendant will produce
18 the documents on a rolling basis but due to the large volume of discovery, production may not
19 be complete until early January, 2009.. Defendant’s document production is not complete to
20 date although Defendant and Plaintiff are both adhering in good faith to the agreement
21 reached December 9, 2008.

22 4. Lead counsel for Plaintiff and both counsel for Defendant have filed Notices of
23 Unavailability (*See* Docket Nos. 14, 15 and 16), and the Parties’ attorneys are collectively
24 unavailable from Monday, December 22, 2008 until Thursday, January 8, 2008.

25 5. The trial date in this case is May 11, 2009.
26
27

1 6. The current discovery cut-off is January 12, 2009. Parties will have great
2 difficulty completing the depositions identified in this Stipulation within these time
3 constraints.

4 7. Although Parties have succeeded in forming an agreement to complete
5 discovery without court intervention, because production of documents is not yet complete, ,
6 the Parties agree that good causes exists for a continuance of the December 22, 2008 deadline
7 to file discovery related motions until January 9, 2009, for the limited purpose of filing
8 motions relating to the ongoing document production agreed to in the Parties' written
9 agreement dated December 9, 2008.

10 8. Parties also seek a continuance of the discovery cut off to January 30, 2009 for
11 the limited purpose of taking and completing the depositions identified in this Stipulation.

12 9. No prior continuance of the discovery cut-off has yet been granted in this
13 matter.

14 10. Based upon the above-described showing of GOOD CAUSE, the parties
15 stipulate and agree, and respectfully request that the Court so order, that the discovery cut-off
16 be continued to January 30, 2009 for the limited purpose of taking and completing the
17 depositions of Brett Misener, Richard Merriam, Richard Burdett, Kim Bohne, Mary Ann
18 Rivers, Dan Gorman, Jeff McCauley, and Richard White, and that the deadline to file
19 discovery related motions be continued to January 9, 2009 for the limited purpose of filing
20 motions relating to the ongoing document production agreed to in the Parties' written
21 agreement dated December 9, 2008.

1 It is so STIPULATED this 19th day of December, 2008.

2 THE BLANKENSHIP LAW FIRM, P.S.

DAVIS WRIGHT TREMAINE LLP

3
4 By: s/ Elizabeth Hanley DeLong

By: s/ Jeffrey B. Youmans

5 Scott C. G. Blankenship, WSBA No. 21431

Jeffrey B. Youmans, Esq., WSBA No. 26604

6 Elizabeth Hanley DeLong, WSBA No. 38233

Sheehan Sullivan Weiss, Esq., WSBA No. 33189

7 The Blankenship Law Firm, P.S.

Davis Wright Tremaine LLP

8 1201 Third Avenue, Suite 2880

1201 Third Avenue, Suite 2200

9 Seattle, WA 98101

Seattle, Washington 98101-3045

Telephone: (206) 343-2700

Phone: (206) 622-3150

Fax: (206) 343-2704

Fax: (206) 757-7700

Email: sblankenship@blankenshiplawfirm.com

Email: jeffreyyoumans@dwt.com

edelong@blankenshiplawfirm.com

sheehansullivanweiss@dwt.com

Attorneys for Plaintiff

Attorneys for Defendant

10
11 IT IS SO ORDERED this _____ day of _____, 2008.

12
13
14 _____
Honorable Robert J. Bryan

JUDGE

UNITED STATES DISTRICT COURT

DECLARATION OF SERVICE

The undersigned hereby declares under penalty of perjury under the laws of the State of Washington that, on the below date, I mailed or caused delivery and/or electronically filed a true copy of this document, which will send notification of such filing, to the following persons:

Jeffrey B. Youmans, Esq., WSBA No. 26604
jeffreyyoumans@dwt.com
Sheehan Sullivan Weiss, Esq., WSBA No. 33189
sheehansullivanweiss@dwt.com
Davis Wright Tremaine LLP
1201 Third Avenue, Suite 2200
Seattle, Washington 98101-3045
Phone: (206) 622-3150
Fax: (206) 757-7700

Attorney for Defendant
at their regular offices.

DATED this 19th day of Dec, 2008, at Seattle, Washington.

/s/ Scott C.G. Blankenship
Scott C. G. Blankenship, WSBA No. 21431
The Blankenship Law Firm, P.S.
1201 Third Avenue, Suite 2880
Seattle, WA 98101
Telephone: (206) 343-2700
Fax: (206) 343-2704
Email: sblankenship@blankenshiplawfirm.com